

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MANUEL PAUL BLACKMON,

Petitioner,

v.

No. 16-CV-00006-RB-KBM

A.J. SMITH,

Defendant.

**ORDER QUASHING ORDER TO SHOW CAUSE AND
SECOND ORDER TO ANSWER OR SHOW CAUSE**

This matter is before the Court on Respondent R.J. Smith's Response to Second Order to Answer or Show Cause [Doc. 16], filed on May 2, 2016. In the response, counsel for Defendant Smith states that she was not served with, and did not receive the Court's February 22, 2016 Order Granting Application to Proceed *In Forma Pauperis* and To Answer [Doc. 10] or March 21, 2016 Order to Show Cause [Doc. 11]. [Doc. 16] Counsel for Respondent Smith further states that “[n]otwithstanding the April 11, 2016 filing date” of the Court’s Second Order to Answer or Show Cause [Doc. 12], she “did not receive actual notice of the Second Order to Answer or Show Cause until Friday, April 29, 2016.” [Doc. 16] The docket reflects that, although the Court’s February 22, 2016 Order Granting Application to Proceed In Forma Pauperis and To Answer [Doc. 10] and April 11, 2016 Second Order to Answer or Show Cause [Doc. 12] were mailed to Respondent Smith, due to an oversight, these documents were not mailed to the New Mexico Attorney General. Therefore, the Court’s Order to Show Cause and Second Order to Answer or Show Cause will be quashed and Respondent Smith will have twenty-three (23) days from the date of this order in which to file an answer to the Amended Petition [Doc. 8].

IT IS THEREFORE ORDERED that the Court's Order to Show Cause [Doc. 11] and Second Order to Answer or Show Cause [Doc. 12] are QUASHED;

IT IS FURTHER ORDERED that Respondent Smith shall have twenty-three (23) days from the date of this Order in which to file an answer to the Amended Petition [Doc. 8].



UNITED STATES CHIEF MAGISTRATE JUDGE